



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Cabeza Prieta National Wildlife Refuge
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Rationale for Implementation of Objective 2 of Goal 3 of the Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan, (Appendix M)

*“Within one year of plan adoption implement new vehicle restrictions. Travel trailers will not be allowed on the refuge non-wilderness access roads due to concerns about visitor safety. **Licensed street-legal motorcycles and off road vehicles (as defined by the state of Arizona) will be permitted.** Passenger vehicles and trucks will continue to require four-wheel-drive on El Camino del Diablo and Christmas Pass Road. Passenger vehicles and trucks using Charlie Bell Road will require high-clearance, but two-wheel-drive will be allowed. **A party size limit of four vehicles traveling together will be implemented to reduce impact of large caravans.**”*

INTRODUCTION

During late October - early November 2010, the Refuge received inquiries from the American Motorcyclist Association (AMA). The AMA questioned why motor vehicle operators who wished to utilize registered, “street-legal” motorcycles and all-terrain vehicles (ATVs) were prohibited access to the Refuge. Since I was aware that use of these vehicles on the Refuge had been addressed in the 2007 CCP, I reviewed the status of implementation of the CCP objective. Following my review, it was clear the CCP authorizes access by registered, street-legal motorcycles and ATVs (as defined under State of Arizona law [ARS § 28-1179A.5, ARS § 28-2512D1&2, ARS § 28-927, ARS § 28-964A&B, ARS § 28-925C, ARS § 28-954A, ARS § 28-4142A]) on “public access roads” within the Refuge. These public access roads are: El Camino del Diablo, Christmas Pass, and Charlie Bell roads which lie outside of designated wilderness areas (See Attached Map).

For the U.S. Fish and Wildlife Service (Service) to permit access to public roads on Cabeza Prieta NWR, ATVs and motorcycles must be registered and street-legal consistent with state law and the Code of Federal Regulations [50 CFR 27.31 (a)]. In addition, the Service intends to require that these vehicles be fitted with a mast displaying an orange flag at least 8 feet above the ground. Since all motor vehicles accessing the Refuge must comply with State of Arizona law,

other than the Refuge requiring a mast with orange flag, there are no distinctions between how the CCP addresses access to the Refuge for ATVs and motorcycles versus any other type of vehicle. The current seasonal closure of approximately 75% of the Refuge (east of Tule Well) to all visitors between March 15 and July 15 to protect the Sonoran pronghorn during their fawning period will continue.

The 2007 CCP decision (page 580, Appendix M) states:

*“Within one year of plan adoption implement new vehicle restrictions. Travel trailers will not be allowed on the refuge non-wilderness access roads due to concerns about visitor safety. **Licensed street-legal motorcycles and off road vehicles (as defined by the state of Arizona) will be permitted.** Passenger vehicles and trucks will continue to require four-wheel-drive on El Camino del Diablo and Christmas Pass Road. Passenger vehicles and trucks using Charlie Bell Road will require high-clearance, but two-wheel-drive will be allowed. **A party size limit of four vehicles traveling together will be implemented to reduce impact of large caravans.**”*

The rationale given in the 2007 CCP for adopting Objective 2 was, *“Licensed, street-legal motorcycles and off-road vehicles will be allowed on the refuge as there is no rationale for prohibiting legal vehicles that are capable of safely transiting the refuge non-wilderness roads.”*

However, following finalization of the 2007 CCP, the Refuge opted not to immediately implement Objective 2 in its entirety. This decision was made primarily because of other higher priorities at the time (C. McCasland, former Cabeza Prieta NWR Refuge Manager, pers. com.). On December 7, 2010, I informed Refuge staff of my intention to implement “Objective 2 of Goal 3: Visitor Services Management” of the CCP in its entirety. The decision to allow street-legal OHVs on the Refuge had already been made after public input and full analysis through an Environmental Impact Statement (EIS). Moreover, since no Refuge-specific regulations restricting motorcycle and ATV use on the Refuge have ever been adopted, Refuge Law Enforcement Officers (LEOs) technically have no authority to issue citations on the Refuge when these vehicles are operated consistently with the requirements of 50 CFR, State licensing, and the CCP.

BACKGROUND

Between 1994 and 1997, the Service prepared the *Final Programmatic Environmental Assessment for the Future Management of the Cabeza Prieta National Wildlife Refuge and Draft Comprehensive Conservation Plan*. In 1999, the Department of the Interior withdrew that document and in January 2000, the Regional Director directed that an EIS be prepared for the CCP. A Notice of Intent (NOI) to prepare an EIS and CCP was published in the Federal Register on April 14, 2000. Though a scoping period of 30 days was identified in the NOI, comments were accepted through June 2000. Open houses were held in Yuma, Ajo, and Tucson during June of that year. Ninety-five (95) people attended the open houses and 600 written responses were received during that period. A series of informal public meetings were held in

Tucson, Ajo, and Yuma in January 2003. The Service solicited comments on the draft EIS, CCP, and Wilderness Stewardship Plan (WSP) between May and September 2005 and public hearings were held in Tucson, Ajo, Yuma, and Sells. Comments received and the Service's responses are in Appendices C and D, respectively, in the *Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan Wilderness Stewardship Plan (WSP) and Environmental Impact Statement*. These documents were finalized on July 19, 2007 when the Regional Director signed the Record of Decision. (The CCP was analyzed as part of the EIS and become Appendix M of the EIS as the actual CCP document.)

In preparation of the EIS, the environmental impacts were examined for both "On-Road" and "Off-Road" vehicle use as it applied to each of the five alternatives. The EIS stated that, "Due to the sensitivity of refuge soils and vegetation to disturbance by off-road vehicle use and the long recovery time after such disturbance, any use of motorized vehicles off of the designated refuge roads and administrative trails is considered significant."¹ Except for Alternative 5, which stated that there would be a likely increase in off-road driving by refuge visitors, Alternatives 2, 3, and 4 would have slightly reduced off-road driving by visitors in comparison to the No Action Alternative (Alternative 1). There was an assumption that the more activities allowed (i.e. more hunting opportunities as identified in Alternative 5), the more likely that some visitors may drive off-road. However, the EIS did not segregate motorcycles and ATVs from four-wheeled vehicles, like SUVs. The EIS neither assumed nor contained evidence that motorcyclists and ATV users would more likely drive off- road. Rather, the analysis was based upon on-road versus off-road impacts without differentiating one class of vehicles from another. The preferred alternative (Alternative 4) was selected in the final decision. This alternative was expected to result in fewer off-road activities than would occur in either the No Action Alternative or Alternative 5.

As part of CCP development and as required under Section 7 of the Endangered Species Act, the Refuge requested the Service's Tucson Ecological Services Office to concur with the Refuge determination that implementation of the CCP would "... have no effect on the cactus ferruginous pigmy-owl and that it (the CCP) may affect, but will not likely adversely affect, the Sonoran pronghorn." In a letter dated April 10, 2006, Ecological Services responded that implementation of the CCP would "... likely adversely affect the Sonoran pronghorn and lesser long-nosed bat." On May 19, the Service initiated formal Section 7 consultation. The Biological Opinion (BO) was issued on August 22, 2006 and is included as Appendix N (page 589 of the EIS). The BO clearly identified and determined that human activity including vehicle traffic such as pickups, motorcycles and ATVs, law enforcement activity, project maintenance activities, and even backpacking, would have negative impacts on the Sonoran pronghorn. However, the BO concluded that there were a number of actions in the proposed CCP that also contributed towards recovery of the pronghorn. In conclusion, the BO stated:

¹ *Final Programmatic Environmental Assessment for the Future Management of the Cabeza Prieta National Wildlife Refuge and Draft Comprehensive Conservation Plan.*

“After reviewing the current status of the Sonoran pronghorn, the environmental baseline for the action area, the effects of the proposed activities associated with implementation of the CCP, and the cumulative effects, it is our biological opinion the proposed action is not likely to jeopardize the continued existence of the Sonoran pronghorn.”

Rules established in the Code of Federal Regulations [50 CFR 27.31 (a)] regarding motorized vehicle use in National Wildlife Refuges state that, *“Unless specifically covered by the general and specific regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries of a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.”* The regulations in 27.31 also state, *“Travel in or use of any motorized or other vehicles...is prohibited on national wildlife refuges except on designated routes of travel...”*

Under current Refuge rules, anyone can enter the Cabeza Prieta NWR if they obtain a permit from one of four agencies which manage lands in the area: the Service, BLM, U.S. Marine Corps, and U.S. Air Force (USAF). The same permit grants access to Barry M. Goldwater Range (BMGR), parts of the Sonoran Desert National Monument (SDNM), as well as the Refuge. Approximately 75% of the Refuge (area lying east of Tule Well) is closed to the public between March 15 and July 15 to protect the Sonoran pronghorn during the fawning season. The USAF requires permit holders to watch a video before they can enter Area B of the BMGR which identifies certain hazards in that portion of the Range.

Permits issued by offices of either of the four agencies (i.e., Marine Corps Air Station in Yuma, Luke Air Force Base/Gila Bend Auxiliary Field, Cabeza Prieta NWR in Ajo, and BLM Phoenix Field Office) allow permittees to access any and all of the participating Federal lands open to the public. Thus, a permit issued by Cabeza Prieta NWR allows the permittee to access the Refuge as well as the BMGR and Sonoran Desert National Monument. Likewise, an individual could obtain a permit at the USMC base to access the BMGR and then continue onto the Refuge. Each agency attempts to comply with the restrictions of the other when issuing permits but since restrictions vary among agencies, the situation can be confusing. For example, a group of up to ten vehicles are allowed on BMGR, but larger groups are required to obtain a “special use” permit. In the case of the Refuge, groups greater than four vehicles are required to obtain a “special use” permit. But since none of the jurisdictions where permits are required allow off-road access, the differences have no effect on off-road use on the Refuge. Even though the Refuge has not been issuing permits to street-legal motorcycles and ATVs, these vehicles could technically access the Refuge with a permit from one of the other agencies. The Service and nearby Federal agencies recognize that the procedures by which permits are granted to enter lands near Cabeza Prieta NWR are in need of clarification. The agencies intend to address this through improved communication and training.

ISSUES OF CONCERN

A number of local citizens, including members of the Cabeza Prieta Natural History Association (the Refuge's "friends group"), have expressed strong concerns regarding no longer denying access to street-legal, State licensed motorcycles and ATVs on Refuge public roads. This resulted in a number of meetings with these individuals during December 2010 - January 2011, including an informational meeting at Refuge headquarters with approximately 60 individuals. Concerns expressed at these meetings and in numerous letters from opponents (including the Center for Biological Diversity) have been directed to the Secretary of the Interior, Service Director, Regional Director, and the Refuge. The focus of these concerns and follow-up responses are described below:

1. Motorcycle and ATV users cannot be trusted to abide by the rules and will go off designated public access roads.
2. Because motorcycles and ATVs are more capable of going off road than 4x4 pickups and SUVs, users will be enticed to drive off road.

Response - Assuming that a certain class of vehicle users will automatically violate regulations is prejudicial. As evidence to verify that motorcycle and ATV users would not abide by Refuge rules, opponents referred to an environmental website (<http://www.glorietamesa.org/ohv-orv-facts-sheet.php>). However, nothing on this website definitively shows that motorcycle and ATV users consistently violate Federal regulations when operating their vehicles on Federal lands. In fact, some information linked to the website would suggest the opposite. (See, *Summary of Research, Selected Results from a 2006 Survey of Registered Off-Highway Vehicle (OHV) Owners in Montana*, RMU Research Summary No. 21, Montana Fish Wildlife & Parks, Page 2, Table 1). Furthermore, numerous motorcycle and ATV operators have approached me expressing a desire to access El Camino del Diablo. Many of these individuals have been on the Refuge numerous times in other vehicles but are interested in the open-air experience of operating their street-legal ATVs on approved routes outside of wilderness on the Refuge. I have no evidence to show that these individuals will not abide by Refuge regulations any less than any other vehicle user.

3. There are safety concerns on Refuge roads. Because U.S. Border Patrol (BP) agents sometimes drive fast and motorcycles and ATVs are difficult to see; there will be an increased chance of collisions.

Response - There are legitimate concerns regarding safety of motorcycle and ATV users on Refuge public roads. An individual on a motorcycle or ATV may be more vulnerable to serious injury than someone in a large four-wheeled vehicle. However, the use of motorcycles on public highways is not banned because they are inherently more risky. Given the occasionally excessive speeds of BP agents when pursuing undocumented aliens (UDAs), safety issues do need to be addressed. The purpose of the 8-foot flagged mast required of all motorcycles and ATVs is to

improve the visibility of these users. Better enforcement of the 25 mph speed limit on Refuge public roads and increasing awareness through education of all users (including BP agents) regarding the types of vehicles that could be encountered, will also reduce these risks.

4. There are not enough Refuge LEOs to enforce restrictions.

5. Refuge LEOs prefer to pursue UDAs rather than enforce Refuge regulations.

Response - These two issues are interrelated. The Refuge is allocated five law enforcement (LE) positions but depending upon vacancies, the actual number of officers available may vary at any given time. The LE staff is confident they would be able to adequately enforce all existing and any future vehicle restrictions. Though Refuge LEOs may occasionally assist BP agents, they spend the majority of their time patrolling the Refuge working on resource-related activities. I have emphasized to the LE staff that enforcement of all laws and regulations governing vehicular use on the Refuge will continue to remain a high priority. I have no evidence to show that increased use of the Refuge by motorcycle and ATV riders will result in an unmanageable burden for Refuge LEOs.

6. Motorcycles and ATVs are loud and will compromise the wilderness experience.

Response - Opponents to motorcycles and ATVs have expressed the concern that the loud noise emitted by these vehicles will impact their wilderness experience. This may be based on an assumption that street-legal motorcycles and ATVs are identical to those used solely for off-road activity. Arizona state law (ARS Section 28-1179A.3) limits vehicle noise levels for both motorcycles and ATVs to no more than 96 decibels, while stationary. Federal regulations [50 CFR (e) (1)] state:

“Every motor vehicle shall at all times be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited.”

Obviously, one’s experience in wilderness could be impacted if they choose to have their experience near a road or highway. In the case of Cabeza Prieta NWR, one could be 101 feet from the center line of El Camino del Diablo and be within designated wilderness. In this case, almost any vehicle travelling El Camino del Diablo could impact their wilderness experience. In general, street-legal motorcycles and ATVs encountered today are relatively quiet in comparison to earlier models. I believe we have sufficient Federal and state regulatory authority and LE staff to ensure that loud vehicles are not allowed on the Refuge.

7. Motorcycles and ATVs will impact the Sonoran pronghorn due to increased traffic, noise, and/or unregulated use.

Response - There are certainly legitimate concerns about how motorcycles and ATVs may impact the endangered Sonoran pronghorn. The 08/22/06 Biological Opinion (BO), issued for implementation of the CCP, discussed and analyzed potential effects associated with human activity, including motor vehicle, motorcycle, and ATV use. The BO clearly identified and determined that human activity including use of four-wheeled vehicles, motorcycles and ATVs, law enforcement, facilities maintenance projects, and even backpacking, had negative impacts on the Sonoran pronghorn. The Service did not single out off-road vehicles as being any more of an impact than other activities or classes of vehicles. An ATV or motorcycle on El Camino del Diablo may in fact pose less of an impact to the environment than a full-size vehicle.

Allowing motorcycles and ATVs on the Refuge would probably result in an increase in human activity. The BO did not quantify a tolerable level of human activity. However, if human activity is the issue, then the appropriate response would be to address all human activity and not single out a particular class of vehicles legally allowed on the Refuge. Furthermore, the annual closure of most of the Refuge between March 15 and July 15 addresses the bulk of human activities impacting Sonoran pronghorn, as that period encompasses the critical fawning season. The BO concluded that, *“After reviewing the current status of the Sonoran pronghorn, the environmental baseline for the action area, the effects of the proposed activities associated with implementation of the CCP, and the cumulative effects, it is our biological opinion the proposed action is not likely to jeopardize the continued existence of the Sonoran pronghorn.”*²

If an increase in vehicular activity on the Refuge is shown to be having a significant negative impact on the Sonoran pronghorn, the Refuge will address vehicular use in an equitable manner.

8. Conditions have sufficiently changed on the Refuge since 2007 to justify not fully implementing the CCP or making an emergency closure for use by these vehicles.

Response - Opponents to motorcycle and ATV use on the Refuge generally argue that conditions have significantly changed and therefore the CCP should be amended; or an emergency closure implemented to reverse the decision in the CCP. Conditions on the Refuge do change over time and that is why CCPs are periodically revised. In this case, I have no evidence to show that conditions have changed significantly enough on the Refuge such that further analysis of the ATV issue or a closure of the Refuge is warranted. In 2010, the Refuge identified unauthorized trails on Cabeza Prieta NWR using 2008 high resolution aerial imagery data. At that time, approximately 8,000 miles of unauthorized trails (mostly single use two-track) were documented and mapped on the Refuge. That data suggests that conditions had already significantly changed

² Final Programmatic Environmental Assessment for the Future Management of the Cabeza Prieta National Wildlife Refuge and Draft Comprehensive Conservation Plan, Appendix N, Intra-Service Biological Opinion for the Cabeza Prieta National Wildlife Refuge Comprehensive Conservation Plan, Arizona.

by the time the CCP was finalized. Additional impacts have occurred since 2007 and continue to occur from illegal border activity (BP Off-Road Incursion Reports). The BP continues to go off-road, when necessary, in pursuit of those engaging in illegal border crossing activities on the Refuge (e.g., illegal immigration and drug smuggling). These BP actions are consistent with the 2006 Memorandum of Understanding (MOU) between the Departments of Interior, Agriculture and Homeland Security (see Appendix B of the EIS/CCP). BP off-road incursions can involve the use of pick-up trucks, ATVs, horses or simply foot access, depending on the circumstances. While I believe that impacts from BP activities continue to occur, they are probably at a lower level than in previous years because border barriers installed in 2008/2009 have drastically reduced illegal vehicle crossings. BP agents also are becoming better informed regarding their obligations to comply with the 2006 MOU.³

Motorcycle and ATV use on public access roads on the Refuge will have no more affect on resources than SUVs and pick-up trucks that currently use the same roads. If evidence shows that a significant impact is being caused by the use of motorcycles and ATVs on the Refuge, or that they are found to be in non-compliance significantly more than other vehicles, it would be appropriate to consider amending the existing CCP or, if necessary, enacting an emergency closure. Furthermore, motorcycles and ATVs will not be permitted to operate off-road or on illegal trails. Since they will only be allowed on approved roads already in use, the Refuge does not expect additional damage to be caused by motorcycles and ATVs.

9. An environmental assessment or impact statement should be prepared before there is a change in management (i.e. permitting of motorcycles and ATVs on the Refuge).

Response – An EIS⁴ was prepared for the 2007 CCP with a preferred alternative that included allowance of street-legal, State licensed motorcycles and ATVs on public access roads within the Refuge. During development of this EIS, the public had a full opportunity to provide input and comments. It would be unreasonable to require the Service to prepare an additional National Environmental Policy Act (NEPA) document for implementing a management practice simply because that practice was not implemented immediately upon finalization of the EIS. It generally takes several years for a National Wildlife Refuge to implement all the management strategies prescribed in a CCP and some may never be implemented due to resource limitations. If environmental assessments or impact statements were required for each management action not implemented immediately upon adoption of a CCP, the Service would be unable to ever fully implement a CCP. Furthermore, as a rule of thumb, if an action proposed in an EIS has not yet been implemented or if the EIS concerns an ongoing program, EIS's more than five years old

³ *Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands Along the United States' Borders* (2006).

⁴ *Final Programmatic Environmental Assessment for the Future Management of the Cabeza Prieta National Wildlife Refuge and Draft Comprehensive Conservation Plan*

should be carefully reexamined to determine if the criteria in NEPA Section 1502.9 compel preparation of an EIS supplement. Since the 2007 EIS is less than five years old, a supplement is not required. According to NEPA Section 1502.9(c), if an agency has made a substantial change in a proposed action that is relevant to environmental concerns, or if there are significant new circumstances or information relevant to environmental concerns and or has bearing on the proposed action or its impacts, a supplemental EIS must be prepared. This will ensure that the agency has the best possible information to make any necessary substantive changes in its decisions regarding the proposed action. In this case, a supplemental EIS need not be prepared because the Refuge has not made a substantial change to the decision regarding motorcycle and ATV use as analyzed in the 2007 EIS. There are also no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

10. The Service must adopt a rigorous, science-based methodology for determining the impact of these vehicles on wildlife, soils, and water, etc.

Response – Cabeza Prieta NWR staff are well aware of the impacts from uncontrolled ORV activity. We do not consider it necessary to conduct additional studies to document these impacts as they have already been well documented. The Refuge intends to issue permits to street-legal motorcycles and ATVs for use on public use roads only; not for off-road travel. In accordance with the CCP, the Refuge will permit all vehicles that meet Arizona state law requirements as being street legal and that comply with our 50CFR regulations. Motorcycles and ATVs that meet these conditions will be allowed the same degree of access to Refuge roads as all other classes of vehicles; no more. This action is consistent with our CCP, federal regulations, and State law. However, to ensure compliance with Refuge permit requirements and protection of Refuge resources, the Service will closely monitor all vehicle use on the Refuge. The Service will take appropriate action if it is determined that any class of vehicle is causing environmental degradation due to noncompliance with permit requirements.

DECISION RATIONALE

My primary rationale for permitting street-legal, State licensed motorcycles and ATVs on Refuge public access roads is that the decision to allow this use has already been made through a lengthy and thorough CCP/NEPA process which included substantial opportunities for public involvement. This decision was described under Objective 2 of “Goal 3: Visitor Services Management” (page 580 of Appendix M). Before the CCP and EIS were finalized through the signing of the Record of Decision in July 2007, three public scoping/open houses were held during June 2000, January 2003, and July 2005. More than 600 written comments were received. Some opposition to allowing motorcycles and ATV use on the Refuge was communicated to the Service at that time. Ultimately, the Service decided that street-legal, State licensed motorcycles and ATVs would be allowed on public access roads just as pickup trucks and SUVs are currently allowed. Furthermore, since no Refuge-specific regulations restricting motorcycle and ATV use on the Refuge were ever adopted, Refuge LEOs currently have no

authority to issue citations when these vehicles are operated consistently with the requirements of 50 CFR, State licensing, and the CCP.

IMPLEMENTATION

The following strategy will be utilized by the Refuge to accomplish Objective 2 of “Goal 3: Visitor Services Management” as described in the 2007 CCP. This strategy is intended to improve public understanding and enforcement of the rules regarding vehicular activity on the Refuge. After one year of monitoring, the Refuge will conduct an evaluation of whether any modifications of the CCP regarding vehicular activity are needed and if so, take appropriate actions. No matter the findings, monitoring of vehicular activity and associated impacts will be an ongoing program that will continue indefinitely. At any time in the future, if a given use is having detrimental impacts, appropriate corrective action will be taken. The Refuge intends to implement the actions described below:

- 1) Provide information regarding vehicle management policies for Cabeza Prieta NWR in all visitor outreach information. The Service will prepare a notice in the local newspaper describing conditions with which all vehicle users must comply. This public notice will be made available to interested parties upon request.
- 2) Provide signs explaining vehicle restrictions, conditions, and requirements at all four points of legal entry to the Refuge. Ensure that all likely access points are properly signed, including significant washes that enter the Refuge.
- 3) Continue to restrict vehicular access for all classes of vehicles to open public roads including the El Camino del Diablo, Christmas Pass, and Charlie Bell roads; allowing pull-offs for parking or camping within 100 feet from the center of the road.
- 4) Refuge LE officers will continue to cite visitors that use unauthorized vehicles or fail to operate vehicles on public use roads only. LE officers will enforce speed limits and decibel limits (currently State law limits vehicle noise to 96 decibels). The driver of any vehicle that is unusually noisy will be cited. The Refuge may set lower decibel standards in the future if it is determined that 96 decibels create significant impacts to wildlife or visitors beyond what would occur from most street-legal vehicles.
- 5) The Refuge will require that all motorcycles and ATVs be fitted with a mast displaying an orange flag at least 8 feet (2.4 meters) off the ground. The flag’s area must equal or exceed 80 square inches (0.5 square meters).
- 6) The Refuge requires that all parties of five or more vehicles (including motorcycles and ATVs) traveling together submit a request for a Special Use Permit. This permit is discretionary and may or may not be issued by the Refuge. Groups that split up into smaller groups in an effort to circumvent this requirement will be cited.

- 7) The Refuge will establish a monitoring network of cameras to document compliance and noncompliance of vehicle users with Refuge regulations and policy.
- 8) The Refuge will develop a protocol with U.S. Department of Homeland Security in which U.S. Border Patrol agents obtain driver and vehicle information from any vehicles they encounter in violation of Refuge vehicle restrictions and then forward that information to Refuge LE staff for enforcement action.
- 9) The Refuge has participated in a working group consisting of both opponents and proponents of motorcycle and ATV use on the Refuge. This group will cooperate with the Refuge in an effort to:
 - Improve enforcement of vehicular restrictions by identifying ongoing efforts and methods and proposing additional methods for consideration;
 - Identify possible methods to evaluate the success or failure of vehicular compliance;
 - Examine and evaluate data related to compliance with this decision; and
 - Develop thresholds for determining if restrictions regarding this use should be revised.

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

Wilderness and Non-Wilderness Areas

